

REMARKS

I. Response to Restriction Requirement

The Office has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of the following two groups of claims:

Group 1: Claims 1-25, drawn to an expression system comprising a nucleotide sequence encoding the dipeptide Asp-Pro, a nucleotide sequence encoding a toxic membrane protein, a soluble protein and a fusion protein and a method for producing a toxic protein by genetic recombination; and

Group 2: Claim 26, drawn to a fusion protein.

In support of the Restriction Requirement, the Examiner has stated that Wang et al. disclose an expression system comprising a nucleotide sequence encoding the dipeptide Asp-Pro, a nucleotide sequence encoding a toxic membrane protein, a soluble protein and a fusion protein. The Examiner has therefore concluded that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1.

Applicant hereby elects, with traverse, the invention defined by the Examiner as Group I, Claims 1-25, drawn to an expression system comprising a nucleotide sequence encoding the dipeptide Asp-Pro, a nucleotide sequence encoding a toxic membrane protein, a soluble protein and a fusion protein and a method for producing a toxic protein by genetic recombination. The reasons for traversal are as follows.

Applicant notes that Wang et al. disclose an expression system comprising a nucleotide sequence encoding a recombinant cobra neurotoxin fused to the carboxyl termini of thioredoxin via a linker sequence encoding the dipeptide Asp-Pro (DP). However, in contrast to the invention recited in the present claims, the toxin component of the reference fusion protein is not a membrane protein. Accordingly, Wang et al. does not teach or suggest an expression system for the expression of toxic membrane protein.

Thus, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement.

II. Response to Election of Species Requirement

The Examiner has also required election of one of each of the following groups of species for prosecution on the merits:

- a) Hepatitis C virus and AIDS virus;
- b) Toxic proteins of SEQ ID NO: 1 and SEQ ID NO: 2;
- c) Soluble proteins of SEQ ID NO: 34, SEQ ID NO: 35; SEQ ID NO: 36, SEQ ID NO: 37; SEQ ID NO: 38, SEQ ID NO: 39;
- d) Fusion proteins of SEQ ID NO: 46, SEQ ID NO: 47, SEQ ID NO: 48; SEQ ID NO: 49, SEQ ID NO: 5, and SEQ ID NO: 51; and
- e) Bacterial expression vectors consisting of SEQ ID NO: 40, SEQ ID NO: 41, SEQ ID NO: 42, SEQ ID NO: 43, SEQ ID NO: 44 and SEQ ID NO: 45.

In response, Applicant hereby elects the following species:

- a) Hepatitis C virus;
- b) Toxic proteins of SEQ ID NO: 2;
- c) Soluble proteins of SEQ ID NO: 37;
- d) Fusion proteins of SEQ ID NO: 47; and
- e) Bacterial expression vectors consisting of SEQ ID NO: 41.

CONCLUSION

This response is made without prejudice or disclaimer to any non-elected subject matter, and Applicant reserves the right to file one or more continuation and/or divisional applications directed to any non-elected subject matter.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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